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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 LAVERN CHARLES FASTHORSE,

9 *Petitioner,*

10 vs.

11 DONALD J. TRUMP, *et al.*,

12 *Respondents.*
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2:17-cv-00647-APG-VCF

ORDER

15 Petitioner, a Nevada prisoner, has filed a petition for writ of habeas corpus pursuant to 28
16 U.S.C. § 2254. ECF No. 1. Petitioner has failed to submit an application to proceed *in forma pauperis*
17 or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. §
18 1915(a)(2) and Local Rules LSR1-1, 1-2.

19 Thus, the present action will be dismissed without prejudice to the filing of a habeas petition
20 pursuant to 28 U.S.C. § 2254 on the form required by this court in a **new** action with either the \$5.00
21 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an
22 inmate account statement for the past six months and a properly executed financial certificate.

23 **IT IS THEREFORE ORDERED** that this action is dismissed without prejudice to the filing
24 of a petition in a new action with either the \$5.00 filing fee or a properly completed application form
25 to proceed *in forma pauperis*.

26 **IT IS FURTHER ORDERED** that a certificate of appealability is denied, as jurists of reason
27 would not find the court's dismissal of this improperly commenced action without prejudice to be
28 debatable or incorrect.

1 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each of an
2 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254
3 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he
4 submitted in this action.

5 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close this
6 case.

7 DATED: March 22, 2017.

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11 _____
12 UNITED STATES DISTRICT JUDGE
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